

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA
Tulsa, Oklahoma**

FILED

JUL 6 2011

John Ellis Pinkerton
26508
South Red Oak Drive
Afton, Ok. 74331
Petitioner;

Phil Lombardi, Clerk
U.S. DISTRICT COURT

11 CV - 421 GKF FHM

Vs:

Cause No. _____

Transportation Security Administration
P. O. Box 8117
Fredericksburg, Va 22404-8117

PETITION FOR A
DECLARATORY JUDGMENT

And,

United States Department of Justice
Federal Bureau of Investigation
Criminal Justice Information Services Division
Clarksburg, WV 26306

And

National Personnel Records Center
Military Personnel Records
9700 Page Avenue
St. Louis, Mo 63132-5100

And

United States of America, et al
Defendants;

TO: THE HONORABLE JUDGE OF THE ABOVE NAMED COURT:

Comes now, JOHN ELLIS PINKERTON, a citizen, by birth, of the United States of America, residing in the State of Oklahoma, and petitions this court for a declaration of his just and legal relations with the afore mentioned defendants. The defendant, Transportation Security Administration, has declared that the petitioner is a security risk to his country, stating that he is a convicted felon, having been convicted of 2nd degree murder, and have denied him otherwise available freedoms, rewards, and service to his country. This is not a true statement. The petitioner has never ever been charged with a felony crime, let alone convicted. Their response to any requests for reconsideration was that without a declaration from a court of legal jurisdiction they will not reverse their declaration of said risk. The petitioner was denied a Haz-mat endorsement on his commercial drivers license because of documents submitted by the defend FBI. They sent me a copy of those documents, and they are "false and malicious; slanderous and defamatory." The petitioner has sought proof of these allegations for the better part of Fifty (50) years and has not been able to obtain any

☒ Mail ☐ No Cert Svc ☐ No Orig Sign
☐ C/J ☐ CMJ ☒ C/Ret'd ☐ No Env
☐ No Cyps ☐ No Env/Cyps ☐ O/J ☐ O/MJ

Dee pd

documentation that supports the allegations in the FBI files. How hard could it be to prove these allegations? The mentioned source of this information has not, and cannot, provide the petitioner with any legal proof of this information.

In August of 1998, after the petitioner's mother passed, he found a copy of some documents from the defendant National Personnel Records Center which also contains "false and malicious; slanderous and defamatory" statements. The petitioner has petitioned the United States Navy Board of Records Corrections about this matter, and they said the same thing that TSA (Transportation Security Administration) said. Without a ruling from a court of legal jurisdiction they will do nothing to correct his record. There again he is deprived of his rights and freedoms to serve his country. The petitioner maintains that he has never, in the seventy-three (73) years of his life, been charged with any felony offense, never been convicted of the same, and never been LEGALLY SENTENCED. All he seeks here is some proof of the "false and malicious, slanderous and defamatory" statements in these documents, or an order that they be either destroyed or sealed from public view. The petitioner has been confronted with arguments that statute limitation bar any action in this matter, but that is not true. These "false, malicious; slanderous and defamatory" statements are published, and readily available to anyone who asks for them, and every time they are used against him, it constitutes a new slander. The first time was in 1957 by the United States Navy on document DD214, line 11-C Reason and Authority. The reason stated there is not true. Then again in April, 2008 by the TSA (petitioner lost his job with Landstar trucking co.); and then just a few months ago, in Jay, Ok. by the school superintendent; (less than Two (2) years). The petitioner lost his job this last time. The petitioner has since then been trying to get this matter corrected. Repeated requests to the authorities of the State of Washington, who are the originators of these (false, malicious, slanderous, and defamatory) statements, are met with a refusal to even respond to the petitioner. This court action is taken for that purpose. It is really just a matter of someone producing a LEGAL court record that proves the statements. The petitioner has not been able to get such a document in over Fifty (50) years of trying. If any of the defendants can do it, the petitioner will be happy to pay any cost incurred by this action. Please note the word "LEGAL" in this petition. This action is not frivolous or without merit, as the petitioner is deprived of numerous privileges and advantages because of these documents.

Jurisdiction

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." (US CONSTITUTION; AMENDMENT I)

"a) In a case of actual controversy within its jurisdiction ... any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and

effect of a final judgment or decree and shall be reviewable as such." (USC TITLE 28; SECTION 2201)

"Further necessary or proper relief based on a declaratory judgment or decree may be granted, after reasonable notice and hearing, against any adverse party whose rights have been determined by such judgment." (USC TITLE 28; SECTION 2202)


PRAYER FOR JUDGEMENT

In the event that the defendants cannot provide this proof, and Legal documents, the petitioner, under provision of Title 28, Section 2202, prays this court for the following judgment: "THAT IN LIGHT OF THE EVIDENCE PRESENTED, THE LEGAL RELATIONSHIP BETWEEN THE PETITIONER AND THE UNITED STATES OF AMERICA, AND ANY AND ALL JURISDICTIONS AND AUTHORITIES THAT COME UNDER THE PERAMITER OF THE UNITED STATES CONSTITUTION IS THAT OF A FREE BORN CITIZEN WHO HAS NEVER BEEN CHARGED NOR CONVICTED OF A FELONY CRIME" and that therefore any statement to the contrary is declared "false and malicious; slanderous and defamatory" and those making those statements shall be held liable to the petitioner for:


- 1: The loss of his military career and associated benefits;
- 2: The physical and mental humiliation caused by those involved in this "slander and defamation";
- 3: The loss of his job as an authorized driver with Landstar, of Jacksonville, Fla.;
- 4: The loss of his job with the Boys & Girls Club, Jay, Ok.;

To the amount of Six Million Five Hundred Thousand Dollars (\$6,500,000) to be paid in United States Currency within Six (6) months of the final judgment of this court, or incur One Percent (1%) interest compounded monthly on the unpaid balance. That the petitioner's discharge is declared void; that he be returned to duty; and discharged after 48 years of service, and compensated for the loss of veteran benefits for the past eight (8) years. That he be given the right to haz-mat endorsement on his CDL (in the absence of any other cause for denial). And that whoever is determined, by this court, to be the originator of these "false, malicious, slanderous and defamatory" statements and publications be held liable to all the other parties in this action.

RESPECTFULLY PETITIONED AND FILED


JOHN ELLIS PINKERTON, pro se
26508 South Red Oak Dr.
Afton, Ok. 74331
Cell Ph. 918-314-3645

SUBSCRIBED and sworn to before me this 29th day of June, 2001.


Cynthia Saylor
Notary Public

Criminal Justice Department Rap-sheet

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

USHAZ000Z

ICN E2008077000000106494

TCN CHB10595673

AGENCY CASE OK082248090

THE FBI IDENTIFIED YOUR TEN-PRINT SUBMISSION WHICH CONTAINED
THE FOLLOWING DESCRIPTORS:

NAME PINKERTON,JOHN ELLIS

DATE ARRESTED/FINGERPRINTED 2008/03/17

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR
M	W	1937/08/10	506	165	BLUE	BROWN

STATE ID	BIRTH PLACE
	WASHINGTON STATE

CITIZENSHIP

UNITED STATES

OTHER BIRTH

SOCIAL

DATES	SCARS-MARKS-TATTOOS	SECURITY	MISC NUMBERS
-------	---------------------	----------	--------------

NONE

NONE

 NONE

ALIAS NAME(S)

PINKERTON,JOHN ELLIS

END OF COVER SHEET

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Exhibit "a"

CRIMINAL JUSTICE INFORMATION SERVICES DIVISION

CLARKSBURG, WV 26306

USHAZ000Z

ICN E2008077000000106494

**BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.**

**THIS RECORD IS SUBJECT TO THE
FOLLOWING USE AND DISSEMINATION RESTRICTIONS**

**UNDER PROVISIONS SET FORTH IN TITLE 28, CODE OF FEDERAL
REGULATIONS (CFR), SECTION 50.12, BOTH GOVERNMENTAL AND NONGOVERNMENTAL
ENTITIES AUTHORIZED TO SUBMIT FINGERPRINTS AND RECEIVE FBI IDENTIFICATION
RECORDS MUST NOTIFY THE INDIVIDUALS FINGERPRINTED THAT THE FINGERPRINTS
WILL BE USED TO CHECK THE CRIMINAL HISTORY RECORDS OF THE FBI.
IDENTIFICATION RECORDS OBTAINED FROM THE FBI MAY BE USED SOLELY FOR
THE PURPOSE REQUESTED AND MAY NOT BE DISSEMINATED OUTSIDE THE RECEIVING
DEPARTMENT, RELATED AGENCY OR OTHER AUTHORIZED ENTITY. IF THE INFORMATION
ON THE RECORD IS USED TO DISQUALIFY AN APPLICANT, THE OFFICIAL MAKING THE
DETERMINATION OF SUITABILITY FOR LICENSING OR EMPLOYMENT SHALL PROVIDE THE
APPLICANT THE OPPORTUNITY TO COMPLETE, OR CHALLENGE THE ACCURACY OF, THE
INFORMATION CONTAINED IN THE FBI IDENTIFICATION RECORD. THE DECIDING
OFFICIAL SHOULD NOT DENY THE LICENSE OR EMPLOYMENT BASED ON THE
INFORMATION IN THE RECORD UNTIL THE APPLICANT HAS BEEN AFFORDED A
REASONABLE TIME TO CORRECT OR COMPLETE THE INFORMATION, OR HAS DECLINED TO
DO SO. AN INDIVIDUAL SHOULD BE PRESUMED NOT GUILTY OF ANY CHARGE/ARREST
FOR WHICH THERE IS NO FINAL DISPOSITION STATED ON THE RECORD OR OTHERWISE
DETERMINED. IF THE APPLICANT WISHES TO CORRECT THE RECORD AS IT APPEARS
IN THE FBI'S CJIS DIVISION RECORDS SYSTEM, THE APPLICANT SHOULD
BE ADVISED THAT THE PROCEDURES TO CHANGE, CORRECT OR UPDATE THE RECORD ARE
SET FORTH IN TITLE 28, CFR, SECTION 16.34.**

- FBI IDENTIFICATION RECORD -

**WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE
DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE FBI.**

NAME	FBI NO.	DATE REQUESTED
PINKERTON,JOHN ELLIS	517072C	2008/03/24

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR
M	W	1937/08/10	505	170	BLU	BRO

**BIRTH PLACE
WASHINGTON STATE**

Exhibit "a"

FINGERPRINT CLASS PATTERN CLASS CITIZENSHIP
28 59 17 PM 19 RS LS RS WU RS LS WU LS LS LS UNITED STATES
20 68 18 PI 14 WU WU RS WU
END OF PART 1 - PART 2 TO FOLLOW

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306
USHAZ000Z ICN E2008077000000106494
PART 2

- FBI IDENTIFICATION RECORD - FBI NO-517072C

1-ARRESTED OR RECEIVED 1956/12/28
AGENCY-SHERIFF'S OFFICE CHEHALIS (WA0210000)
AGENCY CASE-12068
CHARGE 1-MUR 1D

COURT-
CHARGE-2ND DEGREE MURDER
SENTENCE-
2-25-57 NMT 20 YRS WSP

2-ARRESTED OR RECEIVED 1957/03/01
AGENCY-STATE REFORMATORY MONROE (WA031015C)
AGENCY CASE-WSR17170
CHARGE 1-MURDER IN THE 2ND DEGREE

COURT-
CHARGE-MURDER IN THE 2ND DEGREE
SENTENCE-
NMT 20 YRS SENTENCED 2-26-57 PAR: 7-24-61

3-ARRESTED OR RECEIVED 1962/03/13
AGENCY-STATE REFORMATORY MONROE (WA031015C)
AGENCY CASE-WSR117170
CHARGE 1-PV, ON MURDER IN THE 2ND DEG

COURT-
CHARGE-PV, ON MURDER IN THE 2ND DEG
SENTENCE-
RETURNED

4-ARRESTED OR RECEIVED 1962/05/01

Exhibit "a"

AGENCY-STATE PENITENTIARY WALLA WALLA (WA036025C)
AGENCY CASE-117170
CHARGE 1-MURDER 2ND, PV

COURT-
CHARGE-MURDER 2ND, PV
SENTENCE-
TRANS FROM WASH SREF, 0-20 YRS PAROLE 10-27-66

END OF PART 2 - PART 3 TO FOLLOW

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306
ICN E2008077000000106494
USHAZ000Z
PART 3

- FBI IDENTIFICATION RECORD - FBI NO-517072C
RECORD UPDATED 2008/03/24

ALL ARREST ENTRIES CONTAINED IN THIS FBI RECORD ARE BASED ON
FINGERPRINT COMPARISONS AND PERTAIN TO THE SAME INDIVIDUAL.

THE USE OF THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL
USE ONLY AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED.

LEGEND: Insert N/A to the items below which are not applicable.

PERSONAL DATA	1. LAST NAME - FIRST NAME - MIDDLE NAME PINKERTON, John Ellis		2. SERVICE NUMBER 457 62 63		3a. GRADE, RATE OR RANK BBN		b. DATE OF RANK (Day, Month, Year) 15 DEC 55	
	4. DEPARTMENT, COMPONENT AND BRANCH OR NAVY - USN		5. PLACE OF BIRTH (City and State or Country) Shelton, Washington				6. DATE OF BIRTH DAY 10 MONTH AUG YEAR 37	
	7a. RACE CAU	7b. SEX Male	8a. COLOR HAIR Brown	8b. COLOR EYES Blue	9. HEIGHT 65	10. WEIGHT 136	11. U.S. CITIZEN <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
	12a. HIGHEST CIVILIAN EDUCATION LEVEL ATTAINED High School -01-		12b. MAJOR COURSE OR FIELD General					
TRANSFER OR DISCHARGE DATA	13a. TYPE OF TRANSFER OR DISCHARGE Discharged				13b. STATION OR INSTALLATION AT WHICH EFFECTED U.S. Naval Receiving Station, Seattle, Washington			
	14. REASON AND AUTHORITY Civil conviction Code 263, Article C-10313 BuPers Manual				15. EFFECTIVE DATE DAY 5 MONTH APR YEAR 57		16. TYPE OF CERTIFICATE ISSUED DD258N	
SELECTIVE SERVICE DATA	17. LAST DUTY ASSIGNMENT AND MAJOR COMMAND USN DIXIE AD14		18. CHARACTER OF SERVICE UNDER OTHER THAN HONORABLE CONDITIONS				19. DATE INDUCTED DAY MONTH YEAR N/A	
	20. SELECTIVE SERVICE NUMBER Not Registered		21. SELECTIVE SERVICE LOCAL BOARD NUMBER, CITY, COUNTY AND STATE N/A				22. DATE OF ENTRY DAY MONTH YEAR N/A	
	23. DISTRICT OR AREA COMMAND TO WHICH RESERVIST TRANSFERRED Not applicable							
SERVICE DATA	24. TERMINAL DATE OF RESERVE OBLIGATION DAY MONTH YEAR Not applicable		25. CURRENT ACTIVE SERVICE OTHER THAN BY INDUCTION a. SOURCE OF ENTRY <input type="checkbox"/> LISTED (First Enlistment) <input checked="" type="checkbox"/> ENLISTED (Prior Service) <input type="checkbox"/> REENLISTED <input type="checkbox"/> OTHER: Minority 24 FEB 55				26. DATE OF ENTRY DAY MONTH YEAR 24 FEB 55	
	27. PRIOR REGULAR ENLISTMENTS none		28. GRADE, RATE OR RANK AT TIME OF ENTRY INTO CURRENT ACTIVE SERVICE SR		29. PLACE OF ENTRY INTO CURRENT ACTIVE SERVICE (City and State) Seattle, Washington			
	30. HOME OF RECORD AT TIME OF ENTRY INTO ACTIVE SERVICE (Street, RFD, City, County and State) Route 4, Box 250-C Chehalis (Lewis) Wash.		31. STATEMENT OF SERVICE a. CREDITABLE FOR BASIC PAY PURPOSES (1) NET SERVICE THIS PERIOD (2) OTHER SERVICE (3) TOTAL (Line (1) + line (2)) YEARS MONTHS DAYS 01 05 26 00 01 19 01 07 15 b. TOTAL ACTIVE SERVICE 01 05 26 c. FOREIGN AND/OR SEA SERVICE 00 09 26					
	32. SPECIALTY NUMBER AND TITLE EM-4689-85		33. RELATED CIVILIAN OCCUPATION AND O. O. T. NUMBER ELECTRICIAN APPRENTICE 7-91.100		34. DECORATIONS, MEDALS, BADGES, COMMENDATIONS, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED NONE			
	35. WOUNDS RECEIVED AS A RESULT OF ACTION WITH ENEMY FORCES (Place and date, if known) NONE							
	36. SERVICE SCHOOLS OR COLLEGES, COLLEGE TRAINING, COURSES AND/OR POST-GRADUATE COURSES SUCCESSFULLY COMPLETED SCHOOL OR COURSE DATES (From - To) MAJOR COURSES EM Class "A" 13JUN55 16AUG55 Electrician MPO (16mm) 26SEP55 7OCT55 Motion Picture Operator							
	37. OTHER SERVICE TRAINING COURSES SUCCESSFULLY COMPLETED GTC FOR PO							
	38a. GOVERNMENT LIFE INSURANCE IN FORCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				38b. AMOUNT OF ALLOTMENT N/A		38c. MONTH ALLOTMENT DISCONTINUED N/A	
	39a. VA BENEFITS PREVIOUSLY APPLIED FOR (Specify type) None				39b. VA CLAIM NUMBER C N/A			
	AUTHENTICATION	40. REMARKS NONE * NOT AVAILABLE FOR SIGNATURE						
41. PERMANENT ADDRESS FOR MAILING PURPOSES AFTER TRANSFER OR DISCHARGE (Street, RFD, City, County and State) Superintendent Wash. State Reformatory, Monroe, Wash.				42. SIGNATURE OF PERSON BEING TRANSFERRED OR DISCHARGED * [Signature]				
43. TYPED NAME, GRADE AND TITLE OF AUTHORIZING OFFICER C. J. COHN, LTJG, USNR, ASS'T PERM OFFICER BY DIRECTION OF THE C.O.				44. SIGNATURE OF OFFICER AUTHORIZED TO SIGN [Signature]				

Exhibit "B"